

## REMARKS/ARGUMENTS

### STATUS OF CLAIMS

Claims 1-6, 8-9, 15 and 86-96 are currently pending. Applicants have amended Claims 1, 5 and 6. Applicants have cancelled Claim 7, and the rejection of Claim 7 under 35 U.S.C. § 112 is thus moot. Applicants have added new Claims 86-96.

### CLAIM REJECTIONS – 35 U.S.C. § 102

Claims 1-3, 8, 9 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ignatius et al. (U.S. Patent No. 5,278,432).

Amended Claim 1 specifies “a plurality of optoelectronic devices positioned within the housing, the optoelectronic devices emitting radiation having at least a threshold light intensity approximately equal to an energy density of the emitted radiation divided by a radiation time period.”

Ignatius et al. discloses an array 10 of LEDs 14 that “yield a monochromatic light emission output in 620-680 and/or 700-760 nanometer ranges.” *Ignatius et al.*, col. 3, lines 38-40; col. 4, lines 11-13. The LED array of Ignatius et al. may have applications such as the irradiation of animal or human tissue. *Id.* at col. 4, lines 54-56. However, Ignatius et al. does not disclose an appropriate threshold light intensity, energy density, or radiation time period for treating mucositis or any other medical conditions. Thus, independent Claim 1 and dependent Claims 2-6, 8-9 and 15 are allowable.

### CLAIM REJECTIONS – 35 U.S.C. § 103

#### Dependent Claim 4

Claim 4 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ignatius et al. in view of Drollette (“LED’s in Space: Can Light Hasten Healing in Space,” Biophonics International, September/October 2000). Claim 4 depends from Claim 1 and is therefore

allowable for the reasons set forth above with respect to Claim 1. Claim 4 may include additional patentable subject matter not specifically discussed herein.

Dependent Claim 5

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ignatius et al. in view of the MCW/NASA LED Home Page (July 15, 1999). Claim 5 depends from Claim 1 and is therefore allowable for the reasons set forth above with respect to Claim 1. Claim 5 may include additional patentable subject matter not specifically discussed herein.

Dependent Claim 6

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ignatius et al. in view of MCW/NASA LED Home Page and further in view of Qbeam Solid State Lighting System specification taken from the following URL address on December 4, 2000:

<http://web.archive.org/web/20001204152800/http://www.quantumdev.com/>.

Claim 6 depends from Claim 1 and is therefore allowable for the reasons set forth above with respect to Claim 1. Claim 6 may include additional patentable subject matter not specifically discussed herein.

NEW CLAIMS


Applicants have added new method Claims 86-96. Applicants respectfully submit that the new method claims are being added in accordance with election made after the restriction requirement. Applicants respectfully request consideration of new Claims 86-96.

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CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the amendment and allowance of pending Claims 1-6, 8-9, 15 and 86-96.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. F. Laska" with a stylized flourish at the end.

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